

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
EVIDENDIARY FINAL REVOCATION MINUTE SHEET
BEFORE THE HONORABLE JUDITH C. HERRERA

CR No:	15-4086 JCH	USA vs.	Fierro
Date:	9/19/19	Defendant:	John Fierro
Time In/Out:	9:53 – 11:53	Total Time in Court:	2 hours
Clerk:	E. Romero	Court Reporter:	Paul Baca
AUSA:	Niki Tapia-Brito	Defendant's Counsel:	Joe Romero, Jr
Sentencing in:	Albuquerque	Probation Officer:	David Rhodes
Interpreter:	n/a	Interpreter Sworn?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Court advises Defendant of rights, charges & penalties <input checked="" type="checkbox"/> Court finds defendant violated by: committing another Federal, State or Local crime; failing to refrain from use of a controlled substance <input checked="" type="checkbox"/> Violation report reviewed <input checked="" type="checkbox"/> Supervision Revoked <input type="checkbox"/> Petition Held in Abeyance for			

SENTENCE IMPOSED

IMPRISONMENT (BOP):	6 months – to run consecutively to any time served in reference to San Juan County Magistrate Court Case # M-147-VM-2019-00040.		
SUPERVISED RELEASE:	12 months	<input checked="" type="checkbox"/> Mandatory and Standard Conditions	

SPECIAL CONDITIONS OF SUPERVISION

<input checked="" type="checkbox"/> Participate in/successfully complete outpatient substance abuse treatment program & grant waiver of confidentiality	<input checked="" type="checkbox"/> Submit to substance abuse testing
<input checked="" type="checkbox"/> Submit to search of person/property	<input checked="" type="checkbox"/> Refrain from use/possession of alcohol/intoxicants
<input checked="" type="checkbox"/> Refrain from use and possession of synthetic cannabinoids, etc	<input type="checkbox"/> Must not possess, sell, offer for sale, etc. any drug paraphernalia
<input checked="" type="checkbox"/> Participate in/successfully complete mental health program & grant waiver of confidentiality	<input checked="" type="checkbox"/> Must take all mental health medications as prescribed
<input checked="" type="checkbox"/> Participate in community-based program for anger management and domestic violence prevention	<input checked="" type="checkbox"/> Reside at a Residential Reentry Center for up to 6 months
<input type="checkbox"/> Community service:	<input checked="" type="checkbox"/> No contact with victim(s)
<input type="checkbox"/> Notify person (organization) deft poses a risk (fiduciary responsibility)	<input checked="" type="checkbox"/> Participate in an educational or vocational program approved by the Probation Officer
<input type="checkbox"/> Home Confinement under RF monitoring for	<input checked="" type="checkbox"/> Pay child support
<input type="checkbox"/> Register as sex offender	<input checked="" type="checkbox"/> No contact with female children under 18 years
<input checked="" type="checkbox"/> Participate in sex offender assessment and if recommended participate in treatment program and submit to polygraph testing	<input type="checkbox"/> No volunteering where children supervised

OTHER

<input checked="" type="checkbox"/> Advised of Right to Appeal	<input checked="" type="checkbox"/> Remanded
<input type="checkbox"/> Dismissed Violations:	

PROCEEDINGS

Mr. Romero addresses Court re: defendant was prepared to admit violations if he would be able to receive credit for the time he served in State custody; Ms. Tapia-Brito responds; USPO responds to Court's question re: application of time served; Mr. Romero rebuttal; Court will proceed to hearing; Ms. Tapia-Brito calls – Deputy Scott Sandefer-sworn-direct; Mr. Romero – cross examination; Ms. Tapia-Brito – redirect; Mr. Romero – re-cross; Witness excused; Ms. Tapia-Brito calls Deputy Cody Tippler-sworn-direct; Exhibit 6 played; Exhibits 3 through 5 are admitted; Mr. Romero – cross examination; Ms. Tapia-Brito – redirect; Exhibit 8 admitted; Witness excused; Ms. Tapia-Brito calls U.S. Probation Officer David Rhodes-sworn-direct; Mr. Romero – cross examination; Witness is excused; No further testimony; No argument from Ms. Tapia-Brito; Mr. Romero addresses Court with argument; Court finds defendant did violate the conditions of supervised release as outlined; Mr. Romero additional argument re: sentencing; Ms. Tapia-Brito responds; USPO Rhodes responds; Mr. Romero – rebuttal; Court proceeds to sentencing. Exhibits returned